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**Testimony of Rep. David Boyer introducing
LD 738, An Act to Remove Barriers to Becoming a Lawyer by Establishing a Law
Office Study Program**

Before the Joint Standing Committee on Judiciary

March 10, 2025

Senator Carney, Representative Kuhn, and esteemed members of the Committee on Judiciary, my name is Rep. David Boyer and I am proud to introduce LD 738.

LD 738 would establish an alternative path toward becoming a lawyer by creating a law office study program.

I am reintroducing this bill after it was narrowly defeated last session. This bill is drafted similarly to the committee amendment supported by the majority of the Judiciary Committee in the 131st Legislature.

As members around this horseshoe well know, Maine's judicial system is facing a crisis. There is a shortage of lawyers. Whether it's a shortage of lawyers to prosecute or lawyers to defend, it's clear that our current approach is not addressing the backlog of cases fast enough. As of last month, there were over 22,000 cases pending around our state. Rural lawyers are in even more demand, with fewer and fewer "Main Street" lawyers hanging their shingle, leaving Mainers without representation.

This shortage has real-world consequences for the accused as well as their community. The shortage has forced judges to decide when this lack of representation becomes a constitutional violation.

In one well-known instance last year, a judge in my local community ruled that after an individual had been jailed for three weeks without bail and without an attorney, this represented a constitutional violation, and as a response his bail was lowered and he was able to make bail.

A few days later, the individual violated his release conditions, went to an ex-girlfriend's home with a gun, then started a fire that killed a man and burned down several homes. The individual was killed during a shootout with police at the scene.

I don't bring this up to criticize the judge, but rather to highlight the dire situation our state is facing. If our judges are being put in this untenable position, we must explore all options to solve this crisis.

Unfortunately, in Maine, there is only one path toward becoming a lawyer. This path requires moving to the most expensive city in the state and living there for three years. This path does not allow studying at night or online. I have talked to folks across the state who would like to further their legal profession but simply cannot afford to move to Portland and take on the student debt.

States like California, Washington, and Vermont allow people to take the bar exam without a law school degree. Maine already allows individuals who have completed two-thirds of law school and worked under an attorney for one year to sit for the bar. However, my understanding is that this has rarely been used, if ever. LD 738 expands this approach by removing the partial law school requirement, making it more accessible while still ensuring hands-on training under experienced attorneys.

This legislation offers one more tool for Maine to address the lawyer shortage, along with other steps this committee and legislature have taken thus far.

There are appropriate guardrails established by the committee last session, including the following:

Pre-Requisites

- Applicants to the law office study program must have achieved a bachelor's degree from an accredited college or university or have worked as a paralegal for the equivalent of four years on a full-time basis.

Program Requirements

- Complete four years of legal study designed for the general practice of law.
- Supervising judges or attorneys must be a member of the Maine bar in good standing for at least three years before the applicant's legal study may begin.
- Supervising judges or attorneys may enlist the assistance of other judges and attorneys to provide additional supervision.
- Reports are due every six months to the Board of Bar Examiners that detail the areas of study pursued and tasks performed by the applicant, as well as the applicant's plan of study for the next six-month period.

The bill considers people who may have practiced in other states or countries by allowing partial credit for up to two of the four years of study if their work is substantially equivalent to the legal study requirements. Additionally, it takes into account students who may have started law school but did not finish.

After these requirements are met, an applicant would then be eligible to take the Maine Bar exam.

If we have decided that the Maine Bar exam is how we measure a potential lawyer's competency, it should not matter if that person went to law school or studied as an apprentice.

The apprenticeship model reduces financial barriers, opening the profession to a broader, more diverse talent pool that better reflects Maine's communities.

This bill preserves law school as a valuable option while adding a practical alternative for those who need it most. It's about raising opportunities, not lowering standards. I appreciate the committee's consideration and would be happy to answer any questions.

Pending UCD Cases as of February 7, 2025

UCD	FELONY				MISDEMEANOR				CIVIL VIOLATION			ALL CASES			
	Pending	On DD	No IA	% No IA	Pending	On DD	No IA	% No IA	Pending	No IA	% No IA	Pending	On DD	No IA	% No IA
Androscoggin	749	102	41	5.5%	1,407	250	240	17.1%	15	5	33.3%	2,171	352	286	13.2%
Aroostook	531	118	51	9.6%	774	235	155	20.0%	25	8	32.0%	1,330	353	214	16.1%
Caribou	111	28	13	11.7%	140	31	27	19.3%	7	1	14.3%	258	59	41	15.9%
Fort Kent	76	15	9	11.8%	163	68	28	17.2%	3	0	0.0%	242	83	37	15.3%
Houlton	144	24	12	8.3%	212	69	38	17.9%	10	5	50.0%	366	93	55	15.0%
Presque Isle	200	51	17	8.5%	259	67	62	23.9%	5	2	40.0%	464	118	81	17.5%
Cumberland	1,348	222	94	7.0%	3,375	569	513	15.2%	76	29	38.2%	4,799	791	636	13.3%
Bridgton	24	9	3	12.5%	300	51	58	19.3%	12	5	41.7%	336	60	66	19.6%
Portland	1,302	208	87	6.7%	2,719	433	389	14.3%	46	17	37.0%	4,067	641	493	12.1%
West Bath	22	5	4	18.2%	356	85	66	18.5%	18	7	38.9%	396	90	77	19.4%
Franklin	136	29	5	3.7%	313	90	70	22.4%	9	6	66.7%	458	119	81	17.7%
Hancock	265	36	16	6.0%	400	68	81	20.3%	37	21	56.8%	702	104	118	16.8%
Kennebec	583	106	47	8.1%	1,452	332	294	20.2%	21	5	23.8%	2,056	438	346	16.8%
Augusta	548	100	46	8.4%	917	210	166	18.1%	18	4	22.2%	1,483	310	216	14.6%
Waterville	35	6	1	2.9%	535	122	128	23.9%	3	1	33.3%	573	128	130	22.7%
Knox	213	17	14	6.6%	550	80	84	15.3%	6	1	16.7%	769	97	99	12.9%
Lincoln	178	33	23	12.9%	428	119	89	20.8%	6	0	0.0%	612	152	112	18.3%
Oxford	488	85	39	8.0%	872	210	153	17.5%	15	10	66.7%	1,375	295	202	14.7%
Bridgton	44	14	1	2.3%	83	18	15	18.1%	0	0	0.0%	127	32	16	12.6%
Rumford	194	30	17	8.8%	362	65	57	15.7%	4	1	25.0%	560	95	75	13.4%
South Paris	250	41	21	8.4%	427	127	81	19.0%	11	9	81.8%	688	168	111	16.1%
Penobscot	779	29	70	9.0%	1,470	29	392	26.7%	37	14	37.8%	2,286	58	476	20.8%
Bangor	758	27	68	9.0%	1,131	18	280	24.8%	9	2	22.2%	1,898	45	350	18.4%
Lincoln	3	0	0	0.0%	124	4	36	29.0%	19	5	26.3%	146	4	41	28.1%
Newport	18	2	2	11.1%	215	7	76	35.3%	9	7	77.8%	242	9	85	35.1%
Piscataquis	41	1	9	22.0%	93	2	39	41.9%	26	19	73.1%	160	3	67	41.9%
Sagadahoc	172	43	17	9.9%	408	133	89	21.8%	13	2	15.4%	593	176	108	18.2%
Somerset	304	63	12	3.9%	539	125	101	18.7%	11	2	18.2%	854	188	115	13.5%
Waldo	193	42	13	6.7%	321	114	45	14.0%	9	0	0.0%	523	156	58	11.1%
Washington	161	15	8	5.0%	265	45	44	16.6%	13	4	30.8%	439	60	56	12.8%
Calais	73	5	4	5.5%	111	17	13	11.7%	7	3	42.9%	191	22	20	10.5%
Machias	88	10	4	4.5%	154	28	31	20.1%	6	1	16.7%	248	38	36	14.5%
York	765	137	108	14.1%	2,499	724	555	22.2%	55	22	40.0%	3,319	861	685	20.6%
TOTAL	6,906	1,078	567	8.2%	15,166	3,125	2,944	19.4%	374	148	39.6%	22,446	4,203	3,659	16.3%

Columns

- Pending** Number of cases having at least one charge without a disposition, and without a currently active warrant.
- On DD** Number of pending cases with an Order of Deferred Disposition entered.
- No IA** Number of pending cases with a complaint filed, but not having an initial appearance or arraignment held or waived.
- % No IA** Percent of pending cases without an initial appearance/arraignment.

Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the court are not included in the reported counts.

Change in Pending UCD Cases, February 2024 to February 2025

Pending cases as of February 7 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2024	2025	% Diff	2024	2025	% Diff	2024	2025	% Diff	2024	2025	% Diff
Androscoggin	751	749	-0.3%	1,601	1,407	-12.1%	14	15	7.1%	2,366	2,171	-8.2%
Aroostook	553	531	-4.0%	949	774	-18.4%	22	25	13.6%	1,524	1,330	-12.7%
Caribou	106	111	4.7%	165	140	-15.2%	6	7	16.7%	277	258	-6.9%
Fort Kent	87	76	-12.6%	206	163	-20.9%	7	3	-57.1%	300	242	-19.3%
Houlton	155	144	-7.1%	229	212	-7.4%	5	10	100.0%	389	366	-5.9%
Presque Isle	205	200	-2.4%	349	259	-25.8%	4	5	25.0%	558	464	-16.8%
Cumberland	1,308	1,348	3.1%	3,644	3,375	-7.4%	91	76	-16.5%	5,043	4,799	-4.8%
Bridgton	27	24	-11.1%	269	300	11.5%	15	12	-20.0%	311	336	8.0%
Portland	1,258	1,302	3.5%	2,898	2,719	-6.2%	54	46	-14.8%	4,210	4,067	-3.4%
West Bath	23	22	-4.3%	477	356	-25.4%	22	18	-18.2%	522	396	-24.1%
Franklin	153	136	-11.1%	414	313	-24.4%	50	9	-82.0%	617	458	-25.8%
Hancock	388	265	-31.7%	635	400	-37.0%	34	37	8.8%	1,057	702	-33.6%
Kennebec	620	583	-6.0%	1,467	1,452	-1.0%	15	21	40.0%	2,102	2,056	-2.2%
Augusta	585	548	-6.3%	930	917	-1.4%	11	18	63.6%	1,526	1,483	-2.8%
Waterville	35	35	0.0%	537	535	-0.4%	4	3	-25.0%	576	573	-0.5%
Knox	197	213	8.1%	485	550	13.4%	10	6	-40.0%	692	769	11.1%
Lincoln	142	178	25.4%	378	428	13.2%	6	6	0.0%	526	612	16.3%
Oxford	430	488	13.5%	924	872	-5.6%	25	15	-40.0%	1,379	1,375	-0.3%
Bridgton	35	44	25.7%	68	83	22.1%	3	0	-100.0%	106	127	19.8%
Rumford	161	194	20.5%	390	362	-7.2%	15	4	-73.3%	566	560	-1.1%
South Paris	234	250	6.8%	466	427	-8.4%	7	11	57.1%	707	688	-2.7%
Penobscot	787	779	-1.0%	1,863	1,470	-21.1%	47	37	-21.3%	2,697	2,286	-15.2%
Bangor	753	758	0.7%	1,416	1,131	-20.1%	20	9	-55.0%	2,189	1,898	-13.3%
Lincoln	10	3	-70.0%	203	124	-38.9%	13	19	46.2%	226	146	-35.4%
Newport	24	18	-25.0%	244	215	-11.9%	14	9	-35.7%	282	242	-14.2%
Piscataquis	34	41	20.6%	96	93	-3.1%	9	26	188.9%	139	160	15.1%
Sagadahoc	177	172	-2.8%	459	408	-11.1%	16	13	-18.8%	652	593	-9.0%
Somerset	265	304	14.7%	485	539	11.1%	13	11	-15.4%	763	854	11.9%
Waldo	180	193	7.2%	364	321	-11.8%	7	9	28.6%	551	523	-5.1%
Washington	147	161	9.5%	304	265	-12.8%	19	13	-31.6%	470	439	-6.6%
Calais	70	73	4.3%	123	111	-9.8%	6	7	16.7%	199	191	-4.0%
Machias	77	88	14.3%	181	154	-14.9%	13	6	-53.8%	271	248	-8.5%
York	936	765	-18.3%	3,482	2,499	-28.2%	118	55	-53.4%	4,536	3,319	-26.8%
TOTAL	7,068	6,906	-2.3%	17,550	15,166	-13.6%	496	374	-24.6%	25,114	22,446	-10.6%

Columns

- 2024** Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 7, 2024
- 2025** Number of cases having at least one charge without a disposition, and without a currently active warrant as of February 7, 2025
- % Diff** Percent change in pending cases from 2024 to 2025. Red percentages represent an increase, green percentages a decrease.

Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the courts are not included in the reported counts.

School's Out: Legal Apprentices Take Alternative Path To Bar

By Mike LaSusa



Law360 (June 16, 2019, 8:02 PM EDT) --

Vermont Supreme Court Justice Marilyn Skoglund is among those who used an apprenticeship program to launch their career in law, rather than traditional law school. (Photo: Jeb Wallace-Brodeur)

Vermont Supreme Court Justice Marilyn Skoglund wanted to be an artist.

It was the late 1970s. She had an undergraduate degree in sculpture. But part-time jobs in the art world, including a stint carving gravestones,

weren't putting enough money in the bank.

The future Justice Skoglund started looking for a licensed profession where she could work for herself. She was a skilled writer. The law seemed like a good fit.

But law school, not so much.

"I was a single mother and had no money to go to law school, and I had to work and earn a salary," Justice Skoglund told Law360.

So instead she took a paralegal class, got a job in the state attorney general's office and registered for a program in Vermont that allows aspiring lawyers to take the bar exam after a four-year apprenticeship with a qualified attorney.

Nearly two decades after getting her license, without ever going to law school, Justice Skoglund was sworn in as a member of the Green Mountain State's highest court in 1997.

"I fell into a profession that I loved," she said.

Most lawyers in the U.S., then and now, get their legal educations at traditional law schools. But Vermont, Virginia, Washington and California let would-be attorneys sit for the bar if they skip law school and instead go through an apprenticeship program like the one Justice Skoglund completed.

Legal apprenticeship programs are relatively obscure and small in scope, and data suggests apprentices

pass the bar exam at lower rates than their traditionally educated counterparts.

But proponents say apprenticeship programs could provide a leg up to a universe of potential attorneys without the time or money for law school and help address a "justice gap" in which marginalized communities are often left without accessible legal representation.

Those proponents include Berkeley Law grad Rachel Johnson-Farias, who founded a nonprofit called Esq. Apprentice in 2015 with the aim of helping young people of color, particularly women, take advantage of legal apprenticeships. She said providing people from marginalized communities with an alternative path to becoming a lawyer could give them the tools to meet the legal needs of their fellow community members.

"This is absolutely a viable path for low-income people and people of color and immigrants to start to get some of the access and power that historically have been kept from us," Johnson-Farias told Law360.

Financial Obstacles, Family Obligations

People choose legal apprenticeships over law school for a variety of reasons, but in many cases, money and family responsibilities top the list.

"Working in the legal field, I'd kind of been interested in going to law school, but I have kids and a mortgage and things like that, so quitting work to go to law school just wasn't going to work," said Beth Minish, a longtime paralegal at Ben Wells & Associates in Arlington, Washington.

Minish, who finished an apprenticeship program under Wells' supervision in February and is preparing for the bar exam in July, told Law360 that after nearly two decades working around the law, she was inspired to make a career move in the wake of a deadly 2014 mudslide in nearby Oso, Washington.

"People needed help to get wills, to get ID, to get things you don't think of," she said. "And there were a lot of attorneys that came together to offer to do things."

But law school seemed out of reach, quite literally.

"I live 30 miles north of Seattle," Minish told Law360, which means the nearest law school is an hour-and-a-half drive each way, essentially an impossible commute for a working mother.

"This was kind of my only option," she said.

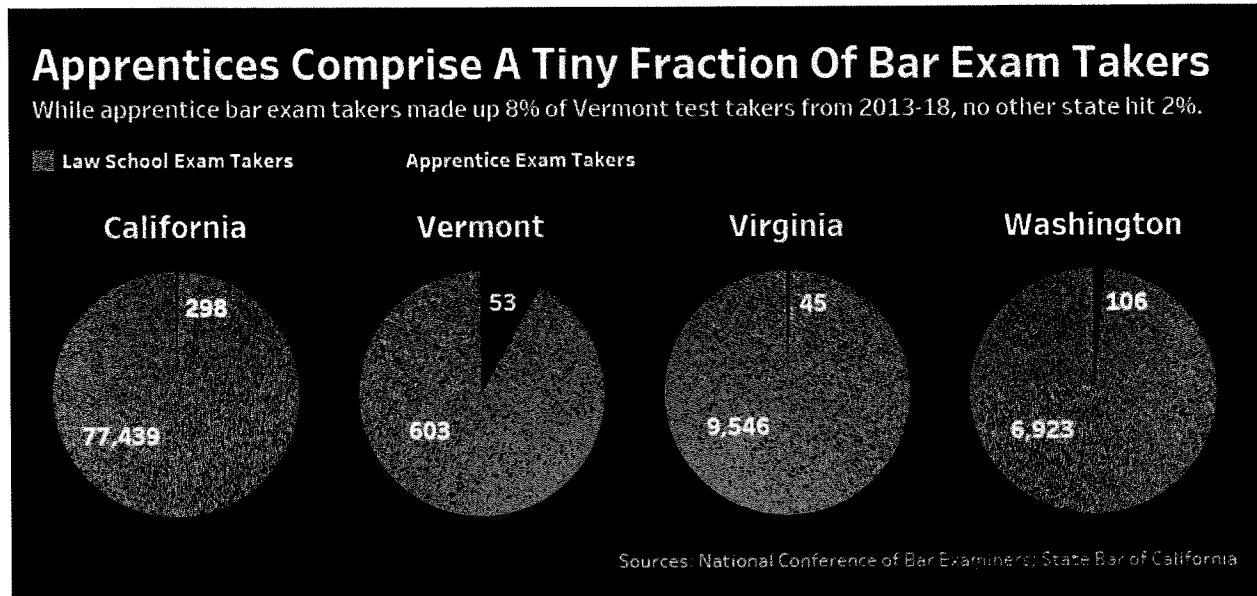
In Virginia, home to a number of top-notch law schools, physical distance is less often a barrier to a traditional legal education. But the state's legal apprenticeship program, known locally as "reading the law," helps overcome other obstacles, particularly cost.

Virginia Beach County Sheriff Ken Stolle, a Republican and staunch supporter of Old Dominion's version of the program, told Law360 that his "whole life has been changed by reading the law."

The sheriff said he started to think about becoming a lawyer in the 1970s, while he was a police officer. Law school was out of the question because he needed to work to support himself and his family, Stolle said. So, through an acquaintance, he found a lawyer willing to mentor him through the program, which

allowed him to sit for and pass the bar.

Stolle worked for several years as an attorney in Virginia before running for the state Senate, where he chaired the Courts of Justice commission during several terms in the 1990s and 2000s.



At one point, Stolle recalled, the state's Board of Bar Examiners tried to abolish the law reader program. But he said he threatened to slash the board's budget, and they backed off.

Stolle remains a vociferous advocate for legal apprenticeships — he persuaded Undersheriff Brian Struzzieri to sign up for the program under the mentorship of a local attorney — and he links his fierce defense of Virginia's law reader program to the notion that it can help level the educational playing field.

"What happens a lot of times is that people with resources can get a better education than people without resources," he said.

School of Hard Knocks

Past and present program participants praise the apprenticeship model for providing a practical, and not just theoretical, education in the law.

Likewise, employers laud the apprenticeship model for its tendency to generate a return on investment. Apprentices-turned-attorneys often stay with the firms that mentor them, and emerge from the program with both general knowledge of the law and, more importantly, job-specific training.

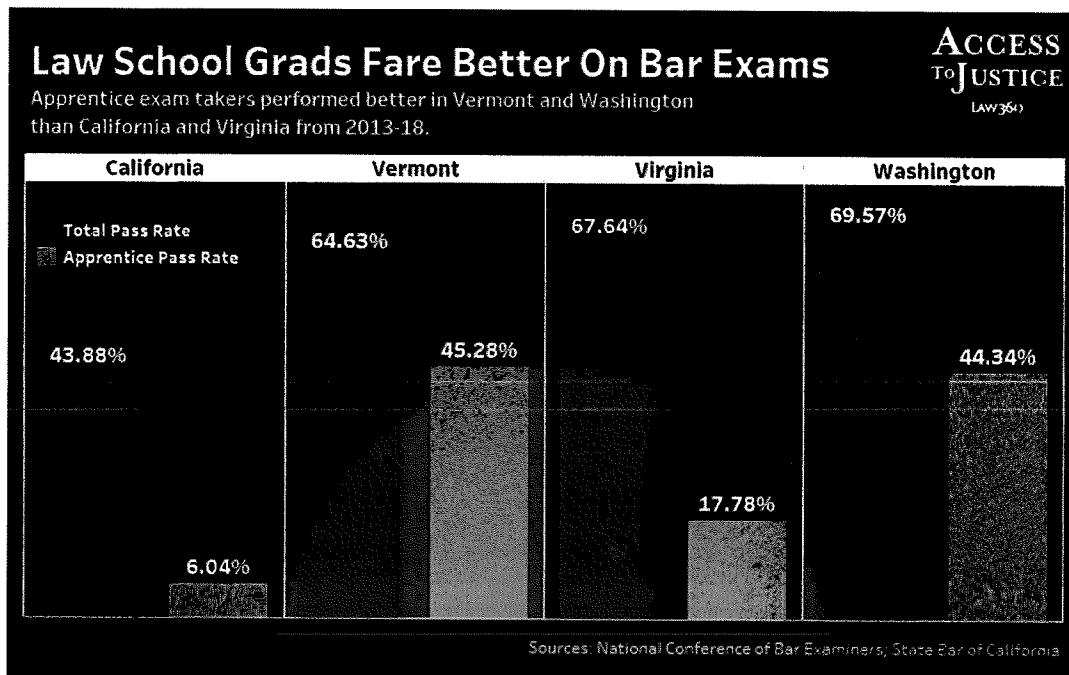
"It's kind of like home-growing your own legal staff," said Ron Greenen of Greenen & Greenen PLLC in Vancouver, Washington, who has successfully mentored two attorneys who work for his firm and is now mentoring a third employee.

But while apprenticeships may give participants a leg up in terms of career preparedness, they generally do a poor job of getting aspiring attorneys ready for the bar exam.

In California, for instance, the overall pass rate for the bar exam over the last decade has been generally low, about 47%. But for the 642 test-takers who qualified via apprenticeship, it was less than 10%,

according to data from the [State Bar of California](#).

The low bar exam pass rates don't necessarily mean that most apprentices fail to become lawyers. For example, Washington state's bar association told Law360 that nearly 9 in 10 apprentices who complete the program eventually pass the test. Comparable statistics weren't available from other states.



Still, the poor bar exam performance results suggests legal apprenticeships aren't for everyone.

"A lot of people think the program is an easier alternative to gaining the ability to practice law, and they find out quickly that it may be a tougher road than a traditional law school," said Benjamin Phillabaum, an attorney in Washington who completed an apprenticeship in 2014 and now chairs the body that oversees the state's program.

"Nothing is going to be hand-fed to you," he said.

Yassi Eskandari, an attorney and policy director at the Sustainable Economies Law Center in Oakland who completed an apprenticeship in 2017, says her work at the center has included advocating and raising awareness about legal apprenticeships. She often gets emails and phone calls asking about them, she says, but she doesn't recommend them in every case.

"I would caution people who are interested in doing this," she said. "It's really challenging."

An additional obstacle for would-be apprentices is simply finding someone willing to be a mentor.

"It is hard to find other lawyers to do this," Janelle Orsi, the executive director and co-founder of the SELC, told Law360. "It's a big commitment."

A 'Legacy of Knowledge'

Despite the drawbacks, advocates say raising awareness about legal apprenticeships and expanding access to them could help address deep-rooted inequalities in the legal field.

Johnson-Farias, the Berkeley law grad who founded Esq. Apprentice, says apprenticeships "used to be the main way that people became attorneys."

That started to change in the late 19th and early 20th centuries after the end of slavery and the rise of immigration to the United States, she said. As states sought to exclude immigrants and freed slaves from prestigious professions, law schools became more common, and an institutional legal education began to emerge as a common requirement to sit for the bar.

Now, the astronomical cost of law school — new attorneys routinely wind up with six-figure debt by the time they graduate — functions for many as a major barrier to becoming a lawyer, particularly for those who come from disadvantaged and minority backgrounds.

Apprenticeships are being touted as a way to boost lawyer diversity as racial and ethnic minorities remain underrepresented among the bar.

In California, where nearly 60% of the adult population identifies as Asian, Black, Latino or other minority, only 33% of attorneys identify as such, according to data from the state bar.

Omonigho Oiyemhonlan, an African-American woman who works as a paralegal at the Oakland office of the Center for Biological Diversity's Climate Law Institute, is in the final year of an apprenticeship program. She said there's a "legacy of knowledge" that is passed down within communities, and that apprenticeships can extend that tradition to the legal field.

"There are a lot of talented people who come from underrepresented communities who may find this program beneficial, and so hopefully getting the message out will inspire them to take that leap," she said.

Since 1999, 355 lawyer hopefuls have participated in the Golden State's Law Office Study program, according to the state bar, which doesn't track program participants' demographics. Comparable data wasn't immediately available from other states that have apprenticeship programs.

Johnson-Farias cautioned that apprenticeships can only go so far in tackling deep-seated structural problems, like racism and sexism.

Still, she and other advocates are hopeful that legal apprenticeships will attract more interested candidates and more institutional support for the programs.

Orsi, of the SELC, said the legal community should start taking apprenticeships more seriously as a potential catalyst for positive change in the field.

"There's all of this evidence about how the legal profession is failing society, is failing to make legal services affordable and accessible to everyone who needs it, including moderate-income people," Orsi said. "So we need to, as a whole profession, rethink how we're creating lawyers and how lawyers make their livelihoods."

Have a story idea for Access to Justice? Reach us at accesstojustice@law360.com.



Maine's supreme court asked large law firms for help with public defender crisis. They didn't.

by **Josh Keefe, The Maine Monitor**

July 29, 2024

In August 2023, Maine Supreme Court Chief Justice Valerie Stanfill wrote a letter to seven of the largest law firms in Maine, pleading for help.

The state's indigent defense crisis "is worsening," she wrote. Criminal defendants and parents in child protective cases were without attorneys.

"The need is dire," Stanfill wrote. "Won't you please help?"

For the most part, they haven't.

A total of two attorneys from the seven firms — which collectively employ more than 450 lawyers — took indigent defense cases in the year since Stanfill's letter, according to the Maine Commission on Public Defense Services. The commission, formerly named the Maine Commission on Indigent Legal Services, oversees regulation and payment for lawyers taking indigent cases.

One attorney from Drummond Woodsum took 14 criminal cases. Another from Bernstein Shur took 26 cases in 2023 before leaving to start a solo practice. Several others signed up with the commission but never took any cases.

"They've taken a token amount of cases," the commission's executive director, Jim Billings, said of the firms. "I think it is accurate to say that they have had little effect, if any."



The crisis has worsened in the year since Stanfill's letter, written when there were more than 100 indigent cases in need of attorneys. In late July, the tally was just short of 1,000.

Lawyers and legal observers across Maine mostly seem to agree the way out lies in a successful rollout of a statewide public defender system staffed with attorneys who specialize in criminal defense. That process has begun but likely won't be completed until 2026. Maine is the last state to implement public defender offices.

Stanfill's letter and the underwhelming response raise questions about whether Maine's largest law firms — and members of the bar in general — have a responsibility to help ensure the state's legal system is functioning when the state and its leaders have failed to do so.

The letter also prompted criminal defense attorneys to question if the legal community fully appreciates the specialized work they do, and whether attorneys with no criminal justice experience, some of whom have never been inside a courtroom, should be asked to represent clients whose liberty is at stake.

There are not enough attorneys in Maine to take all its pending indigent criminal cases. The problem has been exacerbated by COVID-19 pandemic backlogs: The number of statewide pending felony cases was 74 percent higher in May 2024 than the same month in 2019.

While inadequate indigent defense is hardly unique to Maine, the state has an average number of attorneys for its population. Maine ranks 26th in attorneys per capita, according to the American Bar Association. It has, for example, more lawyers per capita than New Hampshire but fewer than Vermont.

While the number of attorneys signed up to take indigent cases with the Maine Commission on Public Defense Services fell from 421 to 305 between 2019 and 2023, those numbers represent a fraction of the roughly 4,000 attorneys active in the state.

The problem doesn't seem to be a lack of attorneys, but a lack of attorneys capable of — and willing to — represent indigent clients.

That problem has forced judges to decide when the state's failure to provide an attorney becomes a constitutional violation. If they do find a violation, they must decide what remedy, if any, to apply.

That was the dilemma Lewiston Judge Sarah Churchill faced last month. Leein Hinkley had been jailed for three weeks without bail and without an attorney. Churchill ruled his constitutional right to counsel had been violated, and lowered his bail in response, allowing him to leave Androscoggin County Jail in Auburn.

A few days later, Hinkley violated his release conditions and went to an ex-girlfriend's home in Auburn with a gun, then started a fire that killed a man and burned down several homes. Hinkley was killed during a shootout with police at the scene.

The case prompted criticism of Churchill by Gov. Janet Mills and the Maine Fraternal Order of Police.

This is all happening as a lawsuit, brought by the Maine ACLU on behalf of indigent defendants against the commission is moving toward a fall trial. The suit was initially filed against only the commission, but expanded to include the state of Maine and Attorney General Aaron Frey after Superior Court Justice Michaela Murphy rejected two settlement agreements. Neither proposed agreement provided a solution to the problems identified in the suit, she ruled.

Barbara Cardone, a spokesperson for the judiciary, said Stanfill was unavailable to speak about the response to her letter.

'Like trying to drink water from a firehose'

Among the seven firms, only Norman, Hanson and DeTroy list criminal defense as an area of practice on its website. It did not take any indigent cases in response to Stanfill's letter, according to the Maine Commission on Public Defense Services.

The firms practice a range of non-criminal legal specialties, including corporate, real estate, bankruptcy, employment, estate planning, cannabis, immigration and intellectual property law, among others. They typically charge clients at least double the \$150 an hour the state pays for indigent defense work.

Only three of the seven firms answered questions from the Monitor about their responses to Stanfill's plea. Verrill Dana, Pierce Atwood, Eaton Peabody, and Norman, Hanson and DeTroy did not respond to repeated requests for comment.

Drummond Woodsum attorneys have taken 16 combined federal and state indigent criminal cases, said Bill Stockmeyer, the firm's managing director, in an email. Maine Commission on Public Defense Services data showed the firm has taken 14 state cases.

"Criminal defense and child protective cases require specialized knowledge and expertise," Stockmeyer wrote. "There are a limited number of lawyers in our firm that meet MCPDS requirements to perform this work, and I can say that the great majority of those who do have answered the Chief Justice's call."

But the commission's data show that while four of the firm's attorneys became rostered with the Maine Commission on Public Defense Services to take cases after Stanfill's letter, only one took indigent criminal cases. Another took two child protective appeals before the Supreme Judicial Court.

Stockmeyer also noted that 17 Drummond Woodsum lawyers have represented clients in protection from abuse cases in Lewiston District Court, and that the firm is one of the two "spearheading the Maine Supreme Judicial Court's Small Claims Pilot Project where supervised student attorneys assist indigent individuals in their Small Claims Court matters."

A Preti Flaherty spokesperson said the firm could not take indigent cases because it has dedicated "significant pro bono hours" to the lawsuit brought by the Maine ACLU against the commission.

“Given our ongoing role in the litigation, we do not feel it is appropriate to take MCILS/MCPDS cases at this time,” wrote Lisa Meyer, the firm’s chief marketing officer.

A week after Stanfill sent her letter, Bernstein Shur CEO Joan Fortin replied with a letter of her own, telling the chief justice that the firm “will certainly step forward to do our part to help.”

But Fortin also told Stanfill that the indigent defense crisis required “urgent and fundamental reform.”

“We understand that any assistance that we provide is not intended to be, and cannot be, a long-term solution,” Fortin wrote. “As lawyers, judges and Maine citizens, we cannot permit basic human dignity and fundamental rights to counsel to be afforded only to those who can afford to pay for them.”

Despite Fortin’s pledge, the commission’s data showed that just one Bernstein Shur attorney completed the process to take on such cases.

That attorney was Will McCartney.

At the time, the young lawyer was primarily practicing real estate and commercial law as a Bernstein Shur associate, but his goal was always to practice criminal law. After Stanfill’s call, the firm gave him permission to start taking indigent cases.

But in the hours and days after signing up with the commission in November to take cases in a few different courts, he was overwhelmed by the number he was assigned.

“I put my name down and then all of a sudden I’m underwater, like trying to drink water from a firehose with all these cases,” McCartney said.

Despite the initial shock, he liked the work so much that a few months later, he left Bernstein Shur and opened his own practice in Brunswick dedicated solely to indigent criminal defense.

“It gave me the confidence to take that plunge,” he said.

‘Not just a dabbling endeavor’

Recent data indicate more attorneys are signing up for indigent work, due in part to a March 2023 increase in the hourly compensation rate from \$80 to \$150. The commission also implemented a public loan forgiveness program last year and just last week loosened some eligibility requirements.

Last year, attorneys submitted 109 applications for the program. In the first six months of this year, they submitted 84, according to commission materials distributed in advance of its July 22 meeting.

The increase hasn’t stopped the number of combined criminal and child protection cases without an attorney from soaring 260 percent in 2024.

The commission has two tiers of qualifications for lawyers on its rosters. The lower-tier attorneys are qualified to represent clients in lower-level crimes, as well as civil commitment or involuntary medication issues. To be eligible, attorneys must complete a two-day criminal law training, among other qualifications.

The higher tier includes specialized rosters, which require experience specific to more serious charges like homicide, sex offenses, major felonies and domestic violence cases.

While attorneys from the larger firms may not have the experience to qualify for the more specialized cases, Billings of the public defender commission noted that more than half the criminal cases without an attorney fall in the first category.

“Over 50 percent of those are cases that don’t require one of our specialized panels,” Billings said. “So anyone who’s admitted and has taken our minimum standards training, or has no prior criminal experience, could take a lot of those cases.”

But criminal defense attorneys warn that their work is specialized, and not just any lawyer can step in and provide quality legal representation that ensures the rights of the accused are protected.

Tina Nadeau, executive director of the Maine Association of Criminal Defense Lawyers, said Stanfill’s letter “shows a fundamental misunderstanding of the work that we do.”

“It’s necessary that we have people who are extremely specialized and extremely experienced doing this work because the stakes are the loss of liberty,” said Nadeau, who takes many indigent cases as part of her practice.

“I think to the law firms’ credit, they recognize this is not just a dabbling endeavor,” Nadeau said.

Growing complexity of criminal cases

Despite the response to the letter, the firms generally do provide some free legal help to those who can’t afford it.

The state is obligated to provide counsel to criminal defendants and parents in child protective proceedings who cannot afford an attorney. But it has no obligation to provide attorneys in civil matters, such as evictions and protection from abuse proceedings.

The firms identified in Stanfill’s letter have made large contributions to those who cannot afford a lawyer in civil cases, said Deirdre Smith, executive director of the Maine Volunteer Lawyers Project.

“Every single one of them has numerous attorneys who step up, who assist and provide pro bono help through the Volunteer Lawyers Project, as well as through other legal aid providers,” Smith said.

In past decades, criminal defense was less complicated, and it was common for firms and lawyers to take cases for little or no money as part of their civic responsibility.

Peter Murray, a Portland-based attorney, has practiced law for 55 years. When he started as a trial lawyer, he took criminal cases even though it wasn't his specialty. Other trial lawyers would do the same. But handling criminal cases has become "infinitely more complex in the last 50 years," he said.

Part of the reason is the numerous types of charges in a single case, Murray said. But the primary reason is cases rarely go to trial anymore. They end in plea bargains, meaning much of the criminal defense work is done outside a courtroom.

The work requires knowing available diversion and treatment programs and their entry qualifications, as well as familiarity with judges and prosecutors, Murray said.

"You really need to know the ground, which we didn't need to know in my day because it was much more simple," Murray said.

"I think that the idea that fat cat lawyer law firms can send their trial lawyers into court to defend these criminal cases is not realistic. They'd be unqualified to do it."

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